

REMARKS

Claims 8 and 9 are pending in this application. By this Amendment, claim 8 is amended and claim 9 is added. No new matter is added. Claims 1-7 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 3, rejects claims 5 and 8 under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The cancellation of claim 5 renders the rejection of this claim moot. Claim 8 is amended to obviate the rejection.

Accordingly, reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action, in paragraph 8, rejects claims 1-5 and 8 under 35 U.S.C. §103(a) as being unpatentable over JP-A-11-127944 (hereinafter "JP '944") in view of U.S. Patent No. 4,322,020 to Stone. The Office Action, in paragraph 9, rejects claims 6 and 7 also over JP '944 in view of Stone. The cancellation of claims 1-7 renders the rejection of these claims moot. The rejection of claim 8 is respectfully traversed.

Claim 8 recites, among other features, a shoulder portion for depressing the stem, the cylindrical piston and the comb, the cap member having a peripheral wall, a lower half of the peripheral wall being screw-fitted on the neck portion of the laminated container body, and an inward flange protruding from an intermediate portion of the peripheral wall, an inner circumference of the inward flange being continuously connected to the pump cylinder in a way that the pump cylinder extends upward from the inner circumference, a lower end portion of the shaft that expands radially outward to define an expanded cylinder that is fitted vertically slidably within an upper half of the peripheral wall, and a grooved stick extending

downwardly from the pump cylinder and having a vertical groove, the shoulder portion for depressing that is formed between the expanded cylinder and other portions of the shaft excluding its lower portion, the stem being provided at its upper end portion with an outer flange for fitting to an inner surface of the expanded cylinder, and a spring for upwardly biasing the outer flange, the spring being between the outer flange and the inward flange. To the extent that JP '944 and Stone are combinable, a conclusion that Applicants do not concede, this combination of applied references cannot reasonably be considered to have suggested the combination of all of the very specific structural features now positively recited in independent claim 8.

The aforementioned combination of features results in advantages not recognized by the references. Based on the inner layer being formed on the inside of the outer layer in the subject matter of the pending claims, the inner layer does not need the strength of a separate container. It is, therefore, possible to make the inner layer thinner. As a result of being thin, the inner layer can peel from the outer layer when a relatively small negative pressure is applied. This is useful in a container such as that recited in the subject matter of the pending claims to be used with a comb in order to facilitate even flow and rapid repeated use.

Additionally, the combination of the comb and the cap member having a peripheral wall is advantageous in that the peripheral wall is a single cylinder having an upper half into which an expanded cylinder of the comb is slidably fitted, and a lower half which is screw fitted on the outside of the neck portion. The peripheral wall provides an increased gripping portion when combing the hair and discharging fluid from the container.

In use, a tilting torque may be applied to the shaft, based on lateral stress thereto, when combing hair. This tilting torque disturbs smooth movement of the cylindrical piston and may act on the connection between the cap member and the neck portion. In the claimed container, an upper half wall portion is extended from a lower half wall portion fitted on the

neck portion forming a single peripheral wall. As such, the user may grasp the peripheral wall with one hand with a finger placed on the shoulder such that the tilting torque is reduced by the gripping force of the user.

Finally, with the pump cylinder extending upwardly from an inward flange protruding from an intermediate portion of the peripheral wall, a lower half of which is fitted on the outside of the neck portion, the pump cylinder is positioned above or on the same level with the neck portion. The groove stick extending downward from the inward flange results in a configuration that facilitates increased contractibility of the inner layer.

Any permissible combination of JP '944 and Stone cannot reasonably be considered to teach, or to have suggested, at least the features of an expanded cylinder formed by a lower end portion of the shaft, and the shoulder portion that is formed between the expanded cylinder and other portions of the shaft. Additionally, it is unclear which element is considered by the Office Action to be the inward flange. Regardless of what feature the Office Action alleges to correspond to the inward flange, it cannot reasonably be considered to include all of the structural features now positively recited in independent claim 8.

Finally, it should be noted that none of the references disclose a peripheral wall lower half of which is thicker on the outside of the neck portion as is recited in the pending claims.

For these reasons, the asserted combination of applied references would not have suggested the combination of all of the features positively recited in at least independent claim 8.

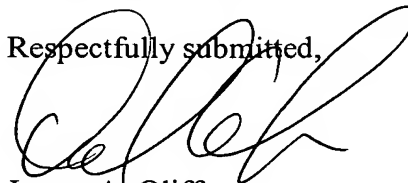
Accordingly, reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §103(a) as being unpatentable over the asserted combination of applied references are respectfully requested.

Claim 9 is allowable over any combination of the applied references because it contains the allowable subject matter recited in claim 8.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 8 and 9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time
Check No. 209040, \$120.00

Date: August 19, 2008

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